

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TINA TREVINO,)	
)	No. CV-10-5062-JPH
Plaintiff,)	
)	ORDER GRANTING STIPULATED
v.)	MOTION FOR REMAND
)	
MICHAEL J. ASTRUE,)	(Ct. Rec. 20)
Commissioner of Social)	
Security,)	
)	
Defendant.)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**Ct. Rec. 20**). David L. Lybbert represents plaintiff. Special Assistant United States Attorney Richard A. Morris represents defendant. The parties have consented to proceed before a magistrate judge (Ct. Rec. 8).

After considering the stipulated motion (Ct. Rec. 20), **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including:

1. The ALJ will conduct a new hearing and issue a new decision.

2. The ALJ will update the medical evidence by ordering a consultative psychological examination; evaluate Dr. Orr's opinion and explain the weight, if any, it is given; in light of the

1 expanded record, evaluate plaintiff's mental impairments to
2 determine if they are severe and what limitations they may cause;
3 reevaluate plaintiff's RFC; determine if daycare business earnings
4 were SGA and if the work constitutes past relevant work, and
5 obtain vocational expert testimony as to plaintiff's ability to
6 perform her past work or other work at steps four and five.

7 Because this remand is pursuant to sentence four with a
8 remand to the Commissioner for further proceedings (see *Melkonyan*
9 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to
10 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412
11 (a), (d), upon proper request to this Court.

12 **IT IS FURTHER ORDERED:**

13 1. The parties' stipulated motion for an order of remand (Ct.
14 Rec. 20) is **GRANTED**.

15 2. Judgment shall be entered for **PLAINTIFF**.

16 3. An application for attorney fees and costs may be filed by
17 separate motion.

18 4. The District Court Executive is directed to enter this
19 Order, enter judgment, forward copies to counsel, and **CLOSE** the
20 file.

21 **IT IS SO ORDERED.**

22 **DATED** this 9th day of May, 2011.

23
24 s/James P. Hutton
25 JAMES P. HUTTON
26 UNITED STATES MAGISTRATE JUDGE
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